

**REMARKS**

Applicant appreciates the Examiner's thorough consideration provided in the present application. Claims 4-12 are currently pending in the instant application. Claims 4, 7, 11 and 12 are independent. Reconsideration of the present application is earnestly solicited.

**Claim Rejections Under 35 U.S.C. § 102**

Claims 4-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kasuya (U.S. Patent No. 5,930,054). This rejection is respectfully traversed.

Applicant respectfully submits that the prior art of record fails to teach or suggest each and every limitation of the unique combination of elements of the claimed invention of claims 4-12. Accordingly, this rejection should be withdrawn. Applicant respectfully submits that the Examiner is misinterpreting the Kasuya patent and/or ignoring expressed claim language that clearly distinguishes the claimed invention from the prior art of record.

With respect to claim 4, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of "wherein said position determining device determines the position of the subject in accordance with data outputted

from the absolute position determiner and said position determining device operates until the absolute position determiner detects the subject reaching a limit of the movement range; and *the reference point for determination of the relative position determiner is established at the limit of the movement range of the subject after the absolute position determiner detects the subject reaching the limit of the movement range, and the position determining device determines the position of the subject in accordance with data outputted from the relative position determiner.*" (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 7, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of "a storage device for previously storing standard output data of the absolute position determiner corresponding to a plurality of positions of the subject within the movable range, and previously storing standard output data of the relative position determiner corresponding to the standard output data of the absolute position determiner, the reference point for the standard output data of the relative position determiner being established at a limit of the movement range of the subject; *wherein the position determining device obtains data outputted from the absolute position*

*determiner upon being turned on and the position determining device then reads the standard output data of the relative position determiner corresponding to the obtained data outputted from the absolute position determiner from the storage device, and thereafter determines the position of the subject in accordance with data outputted from the relative position determiner with reference to the read standard output data of the relative position determiner.” (emphasis added)*  
Accordingly, this rejection should be withdrawn.

With respect to claim 11, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of *“operating said position determining device until the absolute position determiner detects the subject reaching a limit of the movement range, wherein the position determining device is turned on until the absolute position determiner detects the subject being at a limit of the movement range; and determining the reference point for determination of the relative position determiner at the limit of the movement range of the subject after the absolute position determiner detects the subject reaching the limit of the movement range, and determining the position of the subject in accordance with data outputted from the relative position determiner with the position determining device.” (emphasis added)* Accordingly, this rejection should be withdrawn.

With respect to claim 12, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of “previously storing standard output data of the relative position determiner corresponding to the standard output data of the absolute position determiner; *determining the reference point for the standard output data of the relative position determiner at a limit of the movement range of the subject; obtaining data outputted from the absolute position determiner with the position determining device upon the position determining device being turned on; reading the standard output data of the relative position determiner corresponding to the obtained data outputted from the absolute position determiner from the storage device with the position determining device, and determining the position of the subject in accordance with data outputted from the relative position determiner with reference to the read standard output data of the relative position determiner.*” (emphasis added) Accordingly, this rejection should be withdrawn.

The Examiner has opined that Kasuya includes an absolute position determiner and a relative position determiner. However, Applicant submits that even if Kasuya were interpreted to include an absolute position determiner and a relative position determiner as alleged by the Examiner, these devices are

not utilized to control a lens in the same manner as the claimed invention, e.g., the claimed invention clearly switches between the absolute position determiner and the relative position determiner in a manner different than that alleged by the Examiner.

When the lens position control apparatus of Kasuya is turned on, a lens is moved to a target position by the alleged absolute position detecting device. After the lens has reached the target position, the lens position control apparatus switches a means to control the lens from the absolute position detecting means to a relative position detecting means, which is then used to move the lens from the target position to an end point. However, at the end point, separate end point detecting means, e.g., separately provided from the absolute position detecting means, detect that the lens has reached the end point. Therefore, the end point detecting means 21 and 22 are separately provided from the absolute position detecting means 16 in order to specifically detect the end point and thereby to determine a driving range of the lens.

In contrast, the position determining device of the claimed invention does not have such an end point detecting means, e.g., as in Kasuya (elements 21 and 22). The position determining device of the claimed invention can drive or control the lens without detecting a limit point (end point). Applicant submits

that this feature clearly distinguishes claims 4, 7, 11 and 12 from the Kasuya patent.

Therefore, the prior art of record fails to teach or suggest the features of "the reference point for determination of the relative position determiner is established at the limit of the movement range of the subject after the absolute position determiner detects the subject reaching the limit of the movement range, and the position determining device determines the position of the subject in accordance with data outputted from the relative position determiner" (in claim 4) and/or "wherein the position determining device obtains data outputted from the absolute position determiner upon being turned on and the position determining device then reads the standard output data of the relative position determiner corresponding to the obtained data outputted from the absolute position determiner from the storage device, and thereafter determines the position of the subject in accordance with data outputted from the relative position determiner with reference to the read standard output data of the relative position determiner." (see in claim 7)

In addition, the storage device of Kasuya (element 18) stores the determined driving range, whereas in the claimed invention a storage device stores an output amount of the relative position determiner with respect to an

output amount of the absolute position determiner, e.g., rather than the driving (control) range of the lens.

Moreover, Kasuya's lens control apparatus requires detection of an end point in order to initialize the relative position detecting means. In contrast, the position determining device of the claimed invention does not require such detection of an end point (limit point), and can set an initial value of the relative position determiner in accordance with the stored data. Therefore, the claimed invention clearly differs from the Kasuya reference with respect to the contents to be stored and the methods of initialization.

In accordance with the above discussion of the patents relied upon by the Examiner, Applicant respectfully submits that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

Accordingly, reconsideration and withdrawal of the claim rejection are respectfully requested. Moreover, Applicant respectfully submits that the instant application is in a condition for allowance.

As to the dependent claims, Applicant respectfully submits that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.



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Reply to Office Action of August 12, 2003

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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